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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MS1-0928US

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on 11/28/05Signature Laurie MorganTyped or printed name Laurie Morgan

Application Number

10/017,469

Filed

12/14/2001

First Named Inventor

Nirkhe

Art Unit

2151

Examiner

K.Q. Dinh

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 42,973
☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

11/28/05

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV697603201
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.10/017,469
Filing Date Dec. 14, 2001
InventorshipNirkhe
Assignee Microsoft Corporation
Group Art Unit.....2151
Examiner K.Q. Dinh
Attorney's Docket No. MS1-0928US
Title: User Name Mapping

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE
FILED CONCURRENTLY WITH A NOTICE OF APPEAL
TO THE FINAL OFFICE ACTION OF AUGUST 26, 2005

To: Mail Stop AF
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Brian J. Pangrle (Tel. 509-324-9256; Fax 509-323-8979)
Customer No. 22801

Dear Sir or Madam:

In response to the Final Office Action of August 26, 2005, find the following attached hereto: Form PTO/SB/33 (Pre-Appeal Brief Request for Review) and 3 pages of Remarks/Arguments regarding reasons for requesting this review (total pages 5).

REMARKS/ARGUMENTS

The following remarks are directed to a Request for a Pre-Appeal Brief Conference as set forth in the Official Gazette Notice of 12 July 2005.

Reason for Request

The rejection of all claims (1-44) as being anticipated by a single reference, Gudjonsson et al. (USPN 6,564,261), under 35 USC §102(e) is in clear error because this reference does not disclose "the user" recited in the claims.

Procedural Facts (PF)

1. On December 14, 2001, claims 1-44 were filed.
2. In an Office Action mailed February 11, 2005, all claims (1-44) were rejected as being anticipated by Gudjonsson et al. (USPN 6,564,261) under 35 USC §102(e) in the Office Action mailed February 11, 2005.
3. An Examiner Interview was held on June 13, 2005.
4. An Office Action Response was filed on June 13, 2005 where Applicant amended claims 1, 8, 9, 24, 26, 37, 39 and 43.
5. An Interview Summary was mailed on July 7, 2005.
6. In a Final Office Action mailed August 26, 2005, all claims (1-44) were rejected as being anticipated by Gudjonsson et al. (USPN 6,564,261).

Facts Supporting Request (FSR)

1. Claim 1, as amended per the Response of June 13, 2005, recites:

*A method for mapping a user in a heterogeneous network comprising:
receiving on a computer in a first network a user name associated
with a user in the first network;
mapping the user name to a user name associated with the same
user in a second network; and
mapping the user name associated with the user in the second
network to a user identification number associated with the user in the
second network.*

2. The Interview Summary of July 7, 2005 (pertaining to the interview of June 13, 2005) states:

Discussing about the term “user” in claim 1. Applicant agrees to amend the language of the claim (using the same user) to overcome the prior art (US pat. no. 6,564,261). Examiner will update and response in the next Office Action.

3. The Response filed the same day as the interview (June 13, 2005) states:

For purposes of clarity, various independent claims are currently amended to indicate that the user in the first and second networks of the heterogeneous network is the same user. This was inferred in the original claims, however, ***the Examiner suggested explicitly reciting that the user is the same user in the first and second networks of the heterogeneous network.***

Response of 06/13/05 at page 12 (underline in original, emphasis added in bold italics).

4. The Gudjonsson reference is entitled “Distributed system to intelligently establish sessions between anonymous users over various networks” (emphasis added) and includes figures 1-26. Briefly, **Fig. 1** shows three “person” icons where each icon is labeled “7”, further, the text refers to item 7 as “a user” or “users” (see, e.g., col. 8, line 66 to col. 9, line 1, “Referring to FIGS. 3-6, a function of the system/network is to provide the possibility for users 7 to establish arbitrary communication sessions with other users 7”); **Fig. 2** shows two “person” icons where each icon is labeled “7”; **Fig. 3** shows two “person” icons where each icon is labeled “7” and text “invitation is forwarded to B, because he is online” and “Client A sends invitation to B”; **Fig. 4** shows two “person” icons where each icon is labeled “7” and text “Client A sends invitation to B”; **Fig. 5** shows text “Client A sends invitation to agent”; **Fig. 6** shows two “person” icons where each icon is labeled “7”; **Fig. 8** shows four “person” icons where each icon has a name and all names differ; **Fig. 11** shows five “iPulse client” blocks where

each block is labeled "11"; **Fig. 14** shows a block diagram where a block labeled "151" includes the text "User #1 Desires to send User #2 an INVITE message and thus looks up User #2's identifying information on User #1's contact list"; and **Fig. 15** shows a block diagram where a block labeled "75" includes the text "Carl's client sends INVITE message to Anne".

Standard for Rejection under §102

Anticipation under §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, see MPEP §2131.

Argument

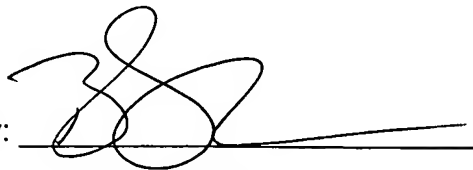
The Gudjonson reference does not show each and every element of claim 1. In particular, the Gudjonson reference does not disclose "the user" of claim 1 (FSR 1). Claim 1 recites a method involving a single user (e.g., "a user", "the same user" and "the user"), which has two user names and a user identification number (FSR 1). In contrast, the Gudjonson reference discloses establishing sessions between at least two users (FSR 4). Applicant has considered the arguments and the cited evidence (Gudjonson at col. 11, line 21 to col. 12, line 54; Fig. 1 and Fig. 6) presented in the Final Office Action (PF 6) yet Applicant fails to find any objective evidence in the Gudjonson reference of "the user" of claim 1. Applicant therefore requests a finding of clear error in fact.

Respectfully Submitted,

Dated:

11/28/05

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